

### REMARKS

Claims 14-29 are pending in this application. Original claims 1-13 have been cancelled. New claims 14-29 have been added by this Amendment.

Claims 1-13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,828,768 to Eatwell et al. ("Eatwell"). The rejected claims have been canceled and generally incorporated in new claims 14-27. New claims 14-27 generally include the elements of the canceled claims, as well as a number of new elements that clearly limit the scope of the invention to true gaming machines located in casino-type gaming establishments.

Gaming machines are typically situated in noisy environments such as casinos, race tracks, and other gaming establishments. The ambient noise produced by such environments may interfere with the entertaining game sounds played by the gaming machines. The interference from the ambient noise may degrade and make it difficult to hear the game sounds. Although a gaming operator may compensate for the ambient noise by increasing the machine's sound volume, the volume if too loud may annoy the player and others nearby and may exacerbate, instead of alleviate, the problem of ambient noise. The present invention addresses this problem in a unique and non-obvious way that is patentable over Eatwell.

Claims 14-27 require, among other things, the following elements:

- a gaming machine *that conducts a wagering game*
- a gaming machine *located in a casino-type gaming establishment*
- *receiving a wager to play the wagering game*
- *displaying a representation of a randomly selected outcome of the wagering game*
- *awarding an award if the selected outcome is a winning outcome*
- playing game sounds coordinated with the displayed representation of the selected outcome
- detecting ambient noise *in the gaming establishment* and producing anti-noise sounds *based thereon* so as to enhance the game sounds

Eatwell fails to disclose or suggest a number of the above elements. On the one hand, the claims require a gaming machine for conducting a wagering game and located in a casino-type gaming establishment. On the other hand, Eatwell is directed to a multimedia personal computer (lap top or desk top) of the type located in a home or used for travel. See Col. 3:30-53;

FIGS. 9-12. Eatwell says nothing whatsoever about using its personal computer to conduct a wagering game, locating its personal computer in a casino-type gaming establishment, or applying its active noise reduction (ANR) circuitry to a true casino-type gaming machine. In fact, Eatwell repeatedly and consistently refers to personal computers. *See, e.g.*, col. 3:34-38 ("Another object is to combine active noise reduction and piezos in a personal computer to reduce fan noise..."); col. 5:56-57 ("FIG. 9 illustrates another embodiment of the invention for a lap top computer application..."); col. 5:62-64 ("Another embodiment of the invention is shown in FIG. 10 for a video display unit (VDU) to be used with a desk top computer..."); col. 7:60 ("A laptop computer employing..."); col. 9:24 ("A personal computer system having..."). The applicant respectfully submits that Eatwell's brief reference to such electronics as a video monitor and a television is, without more, insufficient to disclose or suggest the casino-type gaming application of the present invention.

To further emphasize the distinction between Eatwell and the casino-type gaming application of the present invention, the claims require such elements as receiving a wager to conduct a wagering game, displaying a representation of a randomly selected outcome of the wagering game, and awarding an award if the outcome is a winning outcome. Eatwell is entirely devoid of any teaching of such claimed subject matter. Eatwell does not contemplate the use of its personal computer for wagering games, which is not surprising considering the use of personal computers for gambling is largely illegal.

In fact, it appears that the primary motivations for Eatwell's active noise reduction (ANR) circuitry are to eliminate the fan noise in a personal computer's power supply and to quiet the area around the computer's microphone to improve the performance of a voice recognition system. *See, e.g.*, col. 3:34-39 ("Another object is to combine active noise reduction and piezos in a personal computer to reduce fan noise, create a quiet zone around the microphone and/or the microphone arrays, improve voice recognition performance and improve duct tuning..."); col. 6:65-67 & col. 7:1-3 ("The active noise reduction (ANR) circuitry 107, is used to eliminate the fan noise in the power supply 108. The ANR is also used to quiet the area near the microphone to reduce the effects of background noise in the voice recognition. The ANR is also used to reduce noise generated by the hard and floppy disk drives 110..."). Such motivations would not have led an ordinary artisan to modify Eatwell to apply the noise

reduction circuitry of Eatwell to the present invention. A primary motivation for the present invention is to attenuate the ambient noise (e.g., people, other machines, etc.) produced in casino-type gaming environments so that a player can better hear the game sounds coming from the player's gaming machine. Reducing fan/disk drive noise and improving the performance of a voice recognition system are not significant concerns in casino-type gaming machines.

Accordingly, it would not have been obvious to modify Eatwell to apply the noise reduction circuitry of Eatwell to the present invention. The applicant believes that any conclusion to the contrary would be based on hindsight using the applicant's own teachings.

New claims 28 and 29 are believed to be allowable over Eatwell for the reasons discussed above. In view of the foregoing amendments and remarks, the applicant respectfully submits that the application is in a condition for allowance and action toward that end is respectfully requested. If there are any matters that can be resolved through an interview, the examiner is invited to contact the applicant's representative at the telephone number provided below.

The Commissioner is hereby authorized to charge any fees that may be due, except for the issue fee, to Deposit Account No. 502596 (Docket No. 47079-124).

Respectfully submitted,

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